UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,954	03/29/2002	Takao Yoshimine	275753US6PCT	5975

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EXAMINER
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ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-13* is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/12/2006*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 3/16/2006.

Claims 1-4 and 6-13 are pending in this application and claims 1-4 and 6-13 have been

amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 5 and 7 – 10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bourdelais, U.S. Patent No. 6,727,925 in view of Lin, U.S. Patent No.

6,369,835 in further view of Agnew, U.S. Patent No. 6,583,792.

As per claim 1, Bourdelais teaches a data-providing apparatus for editing image

data in response to a demand transmitted from a data-processing apparatus through a

network, said data-providing apparatus comprising:

first acquisition means for acquiring a scenario in response to a demand made by

the data-processing apparatus (see figs. 4 and 5; and col. 9, lines 18 – 35); second

acquisition means for acquiring a given number of image data items that will be used in

the scenario, in response to a demand made by the data-processing apparatus (see fig.

8 and col. 10, lines 24 – 33); user image-data management means for storing the one or

more scenarios and the image data items (see fig. 14; column 12 lines 31-38); receiving

means for receiving the image data items transmitted to a user (col. 8, lines 12-31);

temporary storage means for temporarily storing edited scenarios and edited image

data items (col. 7 lines 33-36, col. 15 lines 6-23) means for selecting prescribed ones of

the image data items acquired by the second acquisition means and for allocating the

prescribed image data items to the scenes of the scenario acquired by the first

acquisition means (see figs. 8 and 9; and col. 10, lines 14 – 55); and editing means for

editing the image data items that are allocated to the scenes of the acquired scenario

(see figs. 9 and 10; and col. 10, line 56 – col. 11, line 20). Bourdelais does not teach a

first acquisition means for acquiring a scenario consisting of a plurality of scenes, each

lasting for a given time, in response to a demand made by the data-processing

apparatus. Lin teaches an acquisition means for acquiring a scenario consisting of a

plurality of scenes, each lasting for a given time, in response to a demand made by a

data-processing apparatus (see col. 2, lines 60 – 65). It would have been obvious to

one of ordinary skill in the art at the time of the invention to incorporate the method of

Lin with the method of Bourdelais in order to allow an improved method of editing

multimedia documents. Bourdelais and Lin still do not explicitly disclose image data

items being transmitted by a user. However, Agnew teaches image data items being

transmitted by a user and receiving means for receiving the image data items

transmitted by the user from the data-processing apparatus through the network

(Column 6 lines 15-28). Therefore it would have been obvious to an artisan at the time

of the invention to combine the teaching of Agnew with the modified method of

Bourdelais so that a user is able to adapt a situation to his/her personal taste by

submitting an image to superimpose.

As per claim 2, Bourdelais further teaches the data-providing apparatus

according to claim 1, wherein prescribed special effects are allocated to the prescribed

ones of the scenes of the scenario, and the apparatus further comprises effect-applying

means for applying the special effects to the image data items allocated to the scenes

(Bourdelais, see col. 10, line 13 – 17 and col. 11, lines 21 – 26).

As per claim 3, Bourdelais further teaches the data-providing apparatus ,

according to claim 2, further comprising transmission control means for controlling the

transmission of the image data generated by applying the special effects to the image

data items by the effect-applying means (Bourdelais, see col. 8, lines 9 – 20 and col. 14,

lines 22 – 33).

As per claim 4, Bourdelais further teaches the data-providing apparatus

according to claim 2, further comprising recording control means for controlling the

recording of the image data generated by applying the special effects to the image data

items by the effect-applying means (Bourdelais , see col. 14, lines 22 – 33)..

As per claim 7, Bourdelais further teaches the data-providing apparatus

according to claim 1, wherein the second acquisition means acquires the image data

items supplied from the data-processing apparatus (Bourdelais, see col. 15, lines 6 –

14).

As per claim 8, Bourdelais further teaches the data-providing apparatus

according to claim 1, wherein the second acquisition means acquires the image data

items supplied from another data-processing apparatus (Bourdelais, see col. 8, lines 9 –

20).

As per claims 9,10,12 they are of similar scope to claim 1 and are rejected under

the same rationale (see rejection above).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Bourdelais, U.S. Patent No. 6,727,925 in view of Lin, U.S. Patent No. 6,369,835 in view

of Agnew, U.S. Patent No. 6,583,792 in view of Davis et al., U.S. Patent No. 5,969,716.

As per claim 6, Bourdelais-Lin-Agnew do not teach the data-providing apparatus

according to claim 5, wherein different pieces of music are allocated to the plurality of

scenarios. Davis teaches wherein different pieces of music are allocated to the plurality

of scenarios (see col. 4, lines 34 – 40). It would have been obvious to one of ordinary

skill in the art at the time of the invention to incorporate the method of Davis with the

modified method of Bourdelais and Lin in order to provide an improved method for

creation of a multimedia file.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bourdelais, U.S. Patent No. 6,727,925 in view of Lin, U.S. Patent No. 6,369,835 in

view of Agnew, U.S. Patent No. 6,583,792 in further view of Ubillos, U.S. Patent

5,999,173.

As per claim 11, although the modified Bourdelais further teaches the data

providing apparatus according to claim1, wherein the editing means is capable of

editing the image data items (Bourdelais, col. 7 lines 33-36; col. 15, lines 6-23)

transmitted by the user and received by the receiving means (Agnew,) with the one ore

more scenarios and the image data items stored at the user video-data management

means (Bourdelais, see fig. 14; col. 12 lines 31-38; column 7 lines 33-36), the modified

Bourdelais does not explicitly disclose editing image data items together. Ubillos

teaches editing image data items together (Figs. 2,3,and 5;col. 5, line 30 – col. 6 line 23;

col. 6 lines 63-66). It would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the method of Ubillos with the method of the

modified Bourdelais in order to combine related clips.

As per claim 13, it is similar in scope to that of claim 11, and is therefore rejected

under similar rationale.

Response to Arguments

Applicant's arguments with respect to claims 1-4,6-13 have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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